

**OFFICE OF THE CHIEF OF POLICE**

**SPECIAL ORDER NO. 22**

**August 29, 2005**

**SUBJECT: PROPER HANDLING AND BOOKING OF NITROUS OXIDE**

**PURPOSE:** This Order delineates the procedures for the proper handling and booking of nitrous oxide (N<sub>2</sub>O).

**PROCEDURE:**

**I. NITROUS OXIDE - DEFINED.** N<sub>2</sub>O is a clear, colorless liquefied gas with a slightly sweet odor. When inhaled, N<sub>2</sub>O produces intoxicating effects and short-term analgesia (pain relief) for the user. The most common methods of N<sub>2</sub>O storage include a tank and/or cylinder, and balloons. Possession of N<sub>2</sub>O, or any substance containing N<sub>2</sub>O, with the intent to breathe, inhale or ingest for the purpose of causing a condition of intoxication is a misdemeanor offense, in violation of California Penal Code (PC) Section 381b.

**Exception:** Penal Code Section 381b does not apply to persons under the influence of N<sub>2</sub>O or any material containing N<sub>2</sub>O pursuant to an administration for the purpose of medical, surgical, or dental care by a person licensed to administer such an agent.

**II. OFFICER'S RESPONSIBILITY.** When conducting a preliminary investigation of N<sub>2</sub>O possession, officers shall adhere to the following procedures:

- \* Determine if the possession of N<sub>2</sub>O is a violation of 381b PC and take appropriate action;
- \* Contact the Hazardous Chemical Team (HCT), Scientific Investigation Division (SID), for advice and/or assistance;
- \* Do not transport N<sub>2</sub>O tanks or cylinders, regardless of size, in the police vehicle. Officers seizing an N<sub>2</sub>O tank or cylinder shall request the HCT, SID, for transportation;

**Note:** During non-business hours, officers should contact SID through the Department Command Post (DCP), Communications Division.

- \* In the event that a tank or cylinder containing N<sub>2</sub>O is to be booked as evidence by the HCT, SID, the investigating officers shall complete a Property

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Report, Form 10.01.0, including the serial number (when available), manufacturer and size of the tank or cylinder. Officers shall deliver or fax the completed Property Report to SID; and,

**Note:** Officers can request the HCT, SID, to obtain a sample of N<sub>2</sub>O from the cylinder or an inflated balloon, if necessary for their investigation.

- \* Issue a Receipt for Property Taken, Form 10.10.0, to the owner or possessor of the cylinder.

**III. HAZARDOUS CHEMICAL TEAM, SCIENTIFIC INVESTIGATION**

**DIVISION, RESPONSIBILITY.** When notified of a seizure of an N<sub>2</sub>O tank or cylinder, a specialist from HCT, SID shall:

- \* Respond to the scene to assist officers with their investigation;
- \* Transport the seized N<sub>2</sub>O compressed tank or cylinder to the commercialized warehouse, Property Division; and,
- \* Upon officers' request, obtain a sample of N<sub>2</sub>O from a cylinder or balloon for analysis.

**AMENDMENTS:** This Order amends Sections 2/350.05, 2/350.35, 4/212.15 and 4/510.12, and adds Sections 4/212.51 and 4/540.68, to the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Administrative and Technical Services Bureau, shall monitor compliance with this Order in accordance with Manual Section 0/080.30.

**WILLIAM J. BRATTON**  
Chief of Police

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